

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KENNETH L. POLLACK, M.D., RESPONDENT

No. 02-99-080

STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Kenneth L. Pollack, M.D., (Respondent), on December 16, 1999, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 30040 to practice medicine and surgery in Iowa on July 1, 1994. Respondent's Iowa medical license is valid and will next expire on January 1, 2001.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

3. Respondent is charged under Iowa Code sections 148.6(2)(g) and 653 IAC Section 12.4(2)(d), with the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

CIRCUMSTANCES

4. On or about February 10, 1999, Respondent, while providing anesthesia services during an outpatient dental procedure, left the operating room for a brief period of time without providing for appropriate coverage to find a service technician to repair a broken piece of equipment, leaving the patient monitored by a registered nurse.

SETTLEMENT AGREEMENT

5. Respondent admits the Circumstances alleged above.

6. Respondent is hereby **CITED** for leaving the operating room while providing anesthesia services during an outpatient dental procedure, without providing for appropriate anesthesia coverage. Respondent is hereby **WARNED** that leaving the operating room while providing anesthesia services during a surgical procedure without providing for appropriate coverage in the future could result in further formal disciplinary action against his Iowa medical license.

7. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$1,000. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

8. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

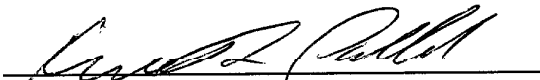
9. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

10. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

11. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

12. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

13. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Kenneth L. Pollack, M.D., Respondent

Subscribed and sworn to before me on Sept. 9, 1999.

[Signature]
Notary Public, State of Iowa

This Statement of Charges and Informal Settlement is approved by the Board on

December 16, 1999.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
1209 East Court Avenue
Des Moines, IA 50319-0180
Phone 515-281-5171